

**REMARKS****I. STATUS OF THE CLAIMS:**

Claims 1-12 are currently pending.

By this Amendment, claims 1-12 have been canceled without prejudice or disclaimer, and new claims 13-18 have been added. These new claims are supported for example by at least the exemplary second embodiment (e.g., Fig. 2). No new matter has been introduced by this Amendment. Upon entry of this amendment, claims 13-18 would be pending.

**II. CLAIM REJECTIONS – 35 U.S.C. § 103:**

Claims 1, 2, 7-12 are rejected under 35 U.S.C. §103(a) as being unpatentable over Daikichi (Japan Patent Pub. No. 05-167915) in view of Chiba (Japanese Patent Appln Laid Open No. 2001-298661). Claims 1-6 are rejected under 35 U.S.C. §103(a) as being unpatentable over Takahashi (U.S. Patent No. 5,831,676) in view of Chiba.

Claims 1-12 have been canceled without prejudice or disclaimer, thereby rendering the rejection of these claims moot.

New claims 13-18 are directed to arrangements characterized by compensating the loss in exposure amount caused by delay in closing of the light-shielding unit by changing the set exposure period if the exposure period is longer than a predetermined period, and by changing a gain to be applied to the charge signal if the exposure period is equal to or shorter than the predetermined period.

Daikichi (JP 05-167915) discloses to calculate the exposure difference between a shutter speed set for continuous shooting and a shutter speed, obtained by referring to the program locus diagram in Fig. 2, needed for attaining an image of appropriate exposure without being affected by camera shaking when sensing a low luminance object. Daikichi then

compensates the sensed image signal by gain control in accordance with the calculated exposure difference to obtain an image of appropriate brightness.

However, as acknowledged by the Examiner, Daikichi does not teach a calculation unit that calculates a compensation amount for compensating a loss in exposure amount for said image sensing element caused by delay in closing of said light-shielding unit. Further, Daikichi does not teach control unit that changes the set exposure period or a gain to be applied to the charge signal based on the compensation amount for compensating the loss depending upon whether the exposure period is longer than the predetermined period or not.

Takahashi et al. (USP 5,831,676) discloses to have an AGC circuit 5, a CCD device circuit 12, and an iris device circuit 14, and control these circuits in a priority order to adjust exposure in accordance with the luminance information of the light metering area specially set in the image frame. However, Takahashi neither discloses a loss in exposure amount for said image sensing element caused by delay in closing of said light-shielding unit, nor compensating the loss depending upon whether the exposure period is longer than the predetermined period or not.

The invention of Chiba (JP 2001-298661) relates to a technique for controlling operation timing of a mechanical shutter. Chiba discloses to calculate a loss in exposure amount, and control an operation of a mechanical shutter so as to compensate the loss regardless of the length of the exposure period. Thus, Chiba does not teach or suggest to change the set exposure period or a gain to be applied to the charge signal based on the compensation amount for compensating the loss depending upon whether the exposure period is longer than the predetermined period or not.

In view of the foregoing, it is respectfully submitted that Daikichi, Takahashi and Chiba do not disclose or suggest to change the set exposure period or a gain to be applied to the charge signal based on the compensation amount for compensating the loss depending upon whether the exposure period is longer than the predetermined period or not. Accordingly, claims 13 and 18 and their dependent claims are believed to be distinguishable over the cited references, individually or in combination.

**CONCLUSION**

Based on the foregoing amendments and remarks, the Applicants respectfully request reconsideration and withdrawal of the rejection of claims and allowance of this application.

**DEPOSIT ACCOUNT AUTHORIZATION**

The Commissioner is authorized to charge any additional fees which may be required for timely consideration of this response, or credit any overpayment to Deposit Account No. 504827, Order No. 1004288.52170.

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. 504827, Order No. 1004288.5217.

Respectfully submitted,  
LOCKE, LORD, BISSELL & LIDDELL, L.L.P.

Dated: March 11, 2009

By: \_\_\_\_\_

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